

VICTORIA.

ADDITIONAL PAPERS

RELATING TO

THE BOUNDARY LINE BETWEEN SOUTH
AUSTRALIA AND VICTORIA.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

VICTORIA.

No. 6470.

Chief Secretary's Office,

SIR,

Melbourne, 17th November 1874.

I have the honor to acknowledge the receipt of your letter of 30th October, enclosing the report of the Honorable the Attorney-General of South Australia upon the claims of that colony to having the marked boundary line which divides it from Victoria moved further eastwards.

The Minister of Lands has prepared some observations in reply to Mr. Mann's arguments, which are forwarded for your perusal.

I think with my colleague that, as the question at issue involves the territorial rights of two Governments, and an important principle besides, the only satisfactory method for determining it, if it be thought proper to refer the matter to any tribunal, would be to lay the case before the Judicial Committee of the Privy Council, with the preliminary understanding that both Governments agree to abide by its decision.

On behalf of the Government of Victoria I now propose that recourse be had to that means of bringing the question at issue to an amicable solution, although I am well aware that even in offering such a proposition this Government will be thought to have made a material concession to South Australia.

I have, &c., &c.,

(Signed)

GEO. B. KERFERD.

The Honorable the Chief Secretary of South Australia.

1681

74

South Australia, Chief Secretary's Office,
Adelaide, 8th December 1874.

SIR,

I have the honor, by desire of His Excellency Governor Musgrave, to acknowledge the receipt of your letter of the 17th ultimo, forwarding some observations from your honorable colleague the Minister of Lands, in reply to the arguments of Mr. Mann, Attorney-General, on the subject of the correct definition of the Victorian and South Australian boundary line, transmitted with my communication to you of the 27th October last, and proposing that as the question at issue involves the territorial rights of two colonies, and an important principle besides, that a case should be laid before the Judicial Committee of the Privy Council, with a preliminary understanding that both Governments agree to abide by its decision.

In reply, I am to inform you that your letter has received most attentive consideration, and that this Government, being anxious that the matter should be finally set at rest, can have no objection to refer the question to the Privy Council, and to abide by the decision arrived at.

The Law Officers have accordingly been requested to prepare a case for the opinion of Her Majesty in Council, with a copy of which I shall furnish you as early as possible.

I have, &c.,

(Signed)

ARTHUR BLYTH.

The Honorable the Chief Secretary, Victoria.

No. 6756.

Sir,

Chief Secretary's Office,

Melbourne, 19th December 1874.

I have the honor to acknowledge the receipt of your letter of the 8th instant, stating that the Government of South Australia accepts the proposal that the two Governments should submit the subject of the disputed territory for the decision of Her Majesty's Privy Council. The Government of Victoria is gratified at receiving this information, as it is not believed that any other mode of determining the rights of the two colonies would be regarded as satisfactory.

With reference to the last paragraph of your letter, in which you state that the Law Officers of South Australia have undertaken to prepare the case, and that a copy of it will be forwarded to this Government when ready, I have the honor to suggest that, as a preliminary step, a statement of the facts that will be relied on should be drawn up, in order that there may be an undisputed basis for the legal arguments on both sides.

This resembles generally the course followed in the case of Pental Island, excepting that then, as the facts were disputed, and the question rather an intricate one, it was necessary to appoint Commissioners for the purpose of taking evidence. In the present case I do not apprehend any dispute will occur about the facts, and if both Governments can agree to a common statement all necessity for taking evidence will be obviated.

I have, &c.,

The Chief Secretary, South Australia.

(Signed)

GEO. B. KERFORD.

(From the "South Australian Government Gazette" of 23rd December 1847. No. 52.)

PROCLAMATION

By His Excellency FREDERICK HOLY ROSE, Esquire, Lieutenant-Colonel in the Army, Lieutenant-Governor of Her Majesty's Province of South Australia, and Vice-Admiral of the same, &c.

WHEREAS by an Act of the Imperial Parliament, passed in the fourth and fifth years of the reign of His late Majesty King William the Fourth, intituled "An Act to empower His Majesty to erect South Australia into a British Province or Provinces and to provide for the Colonization and Government thereof;" His Majesty was empowered, with the advice of His Privy Council, to erect and establish within that part of Australia which lies between the meridians of the one hundred and thirty-second and one hundred and forty-first degrees of east longitude, and between the Southern Ocean and the twenty-sixth degree of south latitude, together with the islands adjacent thereto and the bays and gulfs thereof, one or more provinces, and to fix the respective boundaries of such provinces:

And whereas His said late Majesty, on or about the 19th day of February One thousand eight hundred and thirty-six, by letters patent under the Great Seal of Great Britain, with the advice of His Privy Council, and in pursuance of the powers in that behalf vested in His said Majesty by the said recited Act of Parliament, did erect and establish one province to be called the Province of South Australia, and did thereby fix the boundaries of the same province in manner following (that is to say):—

On the north, the twenty-sixth degree of south latitude; on the south, the Southern Ocean; on the west, the one hundred and thirty-second degree of east longitude; and on the east, the one hundred and forty-first degree of east longitude, including therein all and every the bays and gulfs thereof, together with the island called Kangaroo Island and all and every other islands adjacent to the said last-mentioned island or any part of the main land of the said province:

And whereas, from the progress of settlement on the eastern frontier of the said province and on the borders of the territory of New South Wales, it has become necessary to mark out and ascertain the one hundred and forty-first degree of east longitude, so fixed as the boundary of South Australia on the east as aforesaid; and for this purpose, by an arrangement previously entered into, the Government of New South Wales has, with the consent and concurrence of the Government of South Australia, caused the position of the one hundred and forty-first meridian of longitude east from Greenwich to be correctly ascertained at a spot on the sea-coast, near the mouth of the River Glenelg, and therefrom the said meridian to be surveyed northward as far as the thirty-six parallel of south latitude by Henry Wade, Esquire, surveyor, and to be marked upon the ground by a double row of blazing upon the adjacent trees, and by mounds of earth at intervals of one mile where no trees exist:

And whereas it is expedient that the said survey should be authoritatively adopted and made known; Now therefore, by virtue and in pursuance of the power and authority to me confided, I, the Lieutenant-Governor aforesaid, in name and on behalf of Her Most Gracious Majesty, do hereby notify and proclaim that the line so marked aforesaid, and particularly described in the schedule hereto annexed, and delineated on the public maps deposited at the Survey Office at Adelaide as the meridian of the one hundred and forty-first degree of east longitude, is and shall be deemed and construed to be the eastern boundary of the Province of South Australia to all intents and purposes; and all and singular Her Majesty's officers, Ministers, and subjects in the said province, and all others whom it may concern, are required to take due notice hereof accordingly.

Given under my hand and the public seal of the said Province, at Adelaide, this 11th day of December One thousand eight hundred and forty-seven, in the eleventh year of Her Majesty's reign.

By His Excellency's Command,

A. M. MUNDY,
Colonial Secretary.

SCHEDULE ABOVE REFERRED TO.

(Extracted from the Surveyor's Report.)

The boundary line between New South Wales and South Australia commences at a point about $1\frac{1}{2}$ miles west from the mouth of the River Glenelg, where the 141st meridian of east longitude cuts the sea-coast, in latitude $38^{\circ} 4' 2''$ south, and runs due north along that meridian. The whole distance at present surveyed is about 124 miles north from the sea-coast, and the line is marked by a double row of blazed trees, and mounds of stone and earth at intervals of a mile; where no trees exist the mounds are placed within sight of one another.

At about half a mile due north from the starting point a pyramid of stones is erected, with a post in the centre, marking the line of boundary, which afterwards crosses the Glenelg, at about 2 miles and 47 chains from the sea-coast, at a point where the banks of the river are rugged and precipitous. The country on the left bank of the river is a poor stringy-bark scrub, intersected by heaths and swamps, of which about half a square mile included within a bend of the river is within the Province of South Australia. At about 44 miles from the sea-coast the boundary recrosses the river and passes through a thick stringy-bark forest for about 76 chains, where in latitude $37^{\circ} 55' 10''$ south it crosses nearly at right angles the road from Mr. Neil Black's head station to Nolan's (the country at this spot is more open and undulating); thence it passes through a very dense stringy-bark scrub, with much underwood, for about $4\frac{1}{2}$ miles; thence for 4 miles through a rather more open forest to the east road from Mount Gambier to Glenelg, leaving Nolan's about 7 miles to the east, and Mount Gambier 10 or 12 miles to the west, crossing the road in latitude $37^{\circ} 51' 39''$ south; thence it continues through forest land and sandy soil to a swamp in latitude $37^{\circ} 48' 36''$ south, about 1 mile to the east of the out-station called the Green Water Hole, and 2 miles to the south-east of Mr. Curran's station.

From latitude $37^{\circ} 48' 56''$ the boundary line passes through several swamps, surrounded by a flat stringy-bark forest for about $2\frac{1}{2}$ miles; thence for about $1\frac{1}{2}$ miles through a grassy and more open forest of redgum, principally, and honeysuckle (being the western part of Mr. Beilby's run), to a swamp in latitude $37^{\circ} 45' 35''$ south; thence through the same description of country for about 1 mile and 24 chains to the base of a limestone ridge, over which it continues for 16 chains to the commencement of a swamp extending N.W. and S.E., known as the large Tea Tree Swamp, 1 mile 12 chains in breadth, where the line crosses it; thence for 3 miles 13 chains through a very flat and open redgum forest, interspersed with swamps, to the road between Bates' abandoned head station and Munroe's hut on the old Mount Gambier road, at a point about three-quarters of a mile to the westward of the former place, and 2 miles to the eastward of the latter; thence about 69 chains through the same description of open forest land (very wet and soft in the winter season), crossing another road from the same abandoned station to Mr. Bates' present head station; thence passing for 1 mile 18 chains through a more thickly timbered forest it crosses the old Mount Gambier road; thence at a distance of 11 chains it crosses a track to Mr. Bates' present head station (Kaldubro), which is about 1 mile to the westward, in latitude $37^{\circ} 38' 17''$. From this track the line passes through a thick forest of honeysuckle and gum for about 1 mile and 54 chains, to the road from Mr. Mackinnon's head station to Mr. Bates' abandoned station; thence for about 2 miles and 18 chains across Turkey heath; thence for 1 mile 41 chains through a flat of gum forest to the road (in latitude $37^{\circ} 33' 43''$) from Mr. Mackinnon's woolshed station to a waterhole called Nangware, 70 chains to the westward of the latter. From latitude $37^{\circ} 35' 43''$ the line passes through swamps surrounded by a stunted stringy-bark forest or white sand, for about 3 miles 18 chains; thence for 1 mile 38 chains through a flat open forest to the main road from Melbourne to Adelaide, 20 chains to the westward of an out-station of Mr. Mackinnon's, called Midcage, and 2 chains to the east of an old station at a swamp full of dead trees, and about 1 mile to the westward of Lake Mundy. From the Adelaide road the line passes through a sandy stringy-bark forest, intersected by swamps and heaths for about 4 miles 59 chains to a track in latitude $37^{\circ} 25' 20''$, leading to Mr. Ewen Cameron's station, which lies 1 mile to the eastward of it. From latitude $37^{\circ} 25' 20''$ the line passes through a heath and barren stringy-bark forest for 10 miles; thence up a slope for 6 chains into a country of greater elevation than the last 20 miles, though still flat and very soft in winter; 1 mile 5 chains further on, passing through open redgum forest, intermixed with honeysuckle, wattle, and sheoak, latitude $37^{\circ} 16' 4''$ south, the station of Messrs. Smith and McNicoll, bearing N.N.W. distant about 20 chains. Continuing on through a similar description of country, but rather thicker with wattle and honeysuckle, for 2 miles 42 chains the line passes over a low stringy-bark ridge; an out-station belonging to Mr. W. Wallace being about 50 chains W.S.W. Crossing another low ridge the line again enters the Wattle rises, and at the distance of three miles 35 chains, passes another out-station of Mr. Wallace's, bearing about west, distance 30 chains; 69 chains further on the line crosses the road from Mr. Wallace's station to his head station; then, after passing through the Wattle rises, enters a flat open redgum forest, very wet and soft; 4 miles 49 chains further on the line crosses Mosquito creek, leaving an out-station of Mr. Wallace's about 1 mile to the westward, and his home station about 4 miles to the eastward. Eleven chains from the creek it crosses the road from Mr. Robertson's station to Mr. Wallace's; thence 1 mile 79 chains through an open forest of redgum intersected with swamps, it crosses the road from Messrs. Omerod's and Oliver's stations that joins Mr. Wallace's road and Mosquito creek, 1 mile to the eastward of the line. The line continues on through the same description of country for 3 miles 74 chains, and then crosses a small creek, Mr. John Dickson's station being about half a mile to the eastward. From the creek at Dickson's the line again passes through a similar description of open forest land (but very boggy in winter) for 1 mile 73 chains, here it crosses a road leading to Adelaide, past Mr. Oliver's station; thence through the same kind of boggy country for 2 miles 55 chains, the main north road between Adelaide and Melbourne. The timber hitherto principally redgum, intermixed occasionally with the sheoak and honeysuckle, here begins to change and appears to be box and a kind of swamp oak. 3 miles 47 chains from this road the line passes through an open box forest, an out-station of Mr. Edward Townsend's, bearing N.W. 87 degrees distant 21 chains; thence the line passes through the same description of country intersected by swamps, crossing at 76 chains the road from Mr. Townsend's home station to the Glenelg; thence at 1 mile 24 chains it crosses a road leading from Mr. Townsend's to Mr. Thos. Gibson's station; thence at 1 mile 31 chains it crosses the road leading from Mr. Hugh McLeod's to Mr. Robert McDonald's home station; thence 21 chains to a road from Mr. H. McLeod's home station to his out-station at Lake Cadomite; thence 1 mile 74 chains through the same description of open box forest it crosses a road from Mr. Henry Jones's home station to his out-station; thence 4 miles through a similar country, with occasionally some heath, it passes about one mile to the eastward of the centre of the eastern shore of Lake Cadomite; thence 3 miles 63 chains to the first belt of marlee scrub. This belt of scrub (13 miles 53 chains in breadth, where crossed by the line) consists of irregular sandy ridges, covered with stunted stringy-bark and grass tree, interspersed with small heaths destitute of trees and some few gum bottoms, in which there is generally water and a little very poor grass. Having passed over the scrub the line passes through an open box forest: the surface of the ground very uneven, and generally described by the settlers as "Dead Men's Graves," to which it bears some resemblance, except that the hollows between are full of water. At 8 miles from the north side of the scrub the line crosses the track from Mr. A. Macfarlane's hut to the station of Messrs. McLeod and Scott; thence 1 mile 13 chains over a slight elevation covered with sheoak, to the base of a low sandy ridge, on which, mixed with stringy-bark, the cypress is first met with; thence 15 chains over a sandy ridge; thence for 3 miles 27 chains over a flat open box forest to the edge of a marlee scrub 12 feet high and very dense: through this scrub the line is marked 1 mile and 13 chains, at which point the survey is for the present closed.